

**DISTRICT OF COLUMBIA**  
**DOH Office of Adjudication and Hearings**  
825 North Capitol Street N.E., Suite 5100  
Washington D.C. 20002

DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
Petitioner,

v.

MADHATTER AND MICHAEL TOBIN  
Respondents

Case No.: I-00-70201

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**ORDER OF DISMISSAL**

On June 12, 2001 this administrative court issued the attached Scheduling Order. Among other things, the Scheduling Order required the parties to file and serve copies of any documents to be introduced into evidence as well as witness lists no less than ten (10) days prior to the August 8, 2001 hearing scheduled in this matter. By Notice dated June 22, 2001, the hearing was continued to August 15, 2001. The procedural requirements set forth in the Scheduling Order, however, remained in effect. In addition, the Scheduling Order provided that the Government's failure to timely comply with these requirements would result in a dismissal for want of prosecution. To date, this administrative court has received no submissions from the Government.

Adherence to the requirements of the orders and procedures of this administrative court is a necessary component of due process which ensures, among other things, that a Respondent has adequate notice of the charge(s) against him or her and a fair opportunity to defend against those charges. Such adherence also fosters sound judicial administration. *See, e.g., Ballard v.*

*Carlson*, 882 F.2d 93 (4th Cir. 1989). Accordingly, this case will be dismissed for want of prosecution.

Therefore, based on the entire record in this matter, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2001:

**ORDERED**, that Notice of Infraction No. 00-70201 is hereby **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED**, that the hearing in this matter currently scheduled for August 15, 2001 is hereby **CANCELED**; and it is further

**ORDERED**, that any motion by the Government requesting that this Order be vacated and that the case be restored to the docket must be filed within fourteen (14) days of receipt of this order and must demonstrate good cause why the case should not stand dismissed. *See* SCR Civil Rule 41(b).

/s/      **8/6/01**

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Mark D. Poindexter  
Administrative Judge